IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 2669 of 2004

Between:

Matsya Parishramika Sahakara Sangham, (Fishworker's Cooperative Society), Edulabad,
Regd. No.347, rep. by its President, Poosa Balaiah, Edulabad, Ghatkesar Mandal, Ranga Reddy District.

..... PETITIONER

AND

1. A.P. Pollution Control Board, represented by its Member Secretary, Maithri Vanam, Ameerpet, Hyderabad.
2. The Commissioner of Fisheries, Government of A.P., opp. B.R.K. Bhavan, Tank Bund, Hyderabad.
3. The District Collector, Ranga Reddy Dt Lakdi-ka-Pool, Hyderabad.
4. The Water Users Association, (Lakshminarayana Tank),
Edulabad, Ghatkesar Mandal, Ranga Reddy District.
5. The Government of Andhra Pradesh, rep. by Secretary, Irrigation, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ in the nature of Writ of Mandamus declaring that the action of the respondents in not preventing influx of polluted water from the Narayna Katwa on the Musi river into the Lakshiminarayana Tank, Edulabad, Ghatkeesar

Mandal, Ranga Reddy District in spite of repeated representations made 16/6/2001 onwards, as an arbitrary and unlawful act of dereliction of lawful duty, and further direct respondents to inquire into the matter.

Counsel for the Petitioner: Mr.K.BALAGOPAL

Counsel for the Respondent Nos 2,3 &5: GP for Irrigation &CAD

Counsel for the Respondent No.1: Mr. S.V.Bhatt, SC for APPCB.

Counsel for the Respondent No.4: None appeared

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Matsya Parishramika Sahakara Sangham (Fishworker's Cooperative Society), Edulabad filed this Writ Petition challenging the action of the respondents in not preventing influx of polluted weater from Narayana Katwa on the Musi river into the Lakshminarayana Tank, Edulabad, Ghatkesar Mandal, Ranga Reddy District in spite of repeated representations made, as arbitrary and unlawful. The grievance of the petitioner-society is that by permitting the polluted water from Narayana Katwa of Musi River into Lakshminarayana Tank, Edulabad during summer results in fish mortality.

After notice to respondents, affidavit in reply has been filed by the fifth respondent. The Environmental Engineer addressed a letter to the Administrative Manager, A.P. Pollution Control Board on the matter in the writ petition stating that the Board received a representation of the petitioner-society and examined the representation, carried out the inspection and ultimately the issue was placed before the Task Force Committee in the meeting held on 28.2.2004. The Committee heard the representatives of Edulabad Fishermen Cooperative Society and Water Users' Association, Edulabad village and decided thus:

> " The Board shall issue directions to the President, Water Users' Association, Edulabad village to stop the Musi water entering into the Edulabad Tank from March, 2004 to June, 2004 to prevent fish mortality and to protect other aquatic life in the tank."

Learned counsel for the petitioner states that the aforementioned arrangement which was made for the period from March, 2004 to June, 2004 if continued every year, petitioner will have no grievance.

In view of the above, we close the Writ Petition with direction to the Respondent Board that same arrangement be made every year, but, only, after issuing notice to the Water Users Association, Edulabad. No costs.

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DEVINDER GUPTA, C.J.

7.10.2004.

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C.V.RAMULU, J.

VR.

To

1. The Member Secretary, A.P. Pollution Control Board, Maithri Vanam, Ameerpet, Hyderabad.
2. The Commissioner of Fisheries, Government of A.P., opp. B.R.K. Bhavan, Tank Bund, Hyderabad.
3. The District Collector, Ranga Reddy District, Lakdi-ka-Pool, Hyderabad.
4. The Water Users Association, (Lakshminarayana Tank),
Edulabad, Ghatkesar Mandal, Ranga Reddy District.

5. The Secretary to Government of Andhra Pradesh, Irrigation, Secretariat, Hyderabad.

6. Two CCs to Govt. Pleader for Irrigation & CAD, High Court Buildings, Hyderabad (OUT).

7. Two CD copies.